

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

ANIL SINGH,

Judgment Debtor,

and

THE VANGUARD GROUP, INC.,

Garnishee.

13 CR 508-001 (DLC)

**FINAL ORDER
OF GARNISHMENT**

WHEREAS, pursuant to the Mandatory Victim Restitution Act, 18 U.S.C. § 3613, and the Federal Debt Collection Procedure Act, 28 U.S.C. § 3205, the United States sought, obtained, and served a writ of garnishment on The Vanguard Group, Inc. (“the garnishee”) for substantial nonexempt property belonging to or due the defendant-judgment debtor, Anil Singh (Dkts. 76-77);

WHEREAS, the garnishee The Vanguard Group, Inc. answered that it has Singh’s SEP Individual Retirement Account (“IRA”) number ending in 7766 with an approximate value of \$1,731,338 subject to market fluctuation and two Individual 529 College Savings Accounts with an aggregate approximate value of \$71,850 in its possession, custody, or control (Dkt. 83);

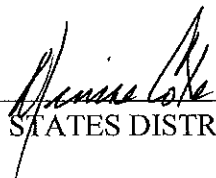
WHEREAS, the United States served Singh with the garnishment process (Dkt. 84), but he has neither claimed an exemption nor requested a hearing or objected to the garnishee’s answer, and the statutory time-period in 28 U.S.C. § 3202(d) and 3205(c)(5) to do so has expired; and

WHEREAS, as of January 10, 2022, Singh owes \$976,677.42 in restitution, jointly and severally with codefendant Keith Bush;

IT IS HEREBY ORDERED that the garnishee, THE VANGUARD GROUP, INC., shall liquidate securities in the IRA number ending in 7766 belonging to ANIL SINGH as needed to pay the total sum certain of \$976,677.42, with no withdrawal penalty, to the Clerk of Court in full satisfaction of the restitution order.¹ *See* 18 U.S.C. § 3613; *United States v. Irving*, 4452 F.3d 110, 126 (2d Cir. 2006) (MVRA permits the government to garnish assets held in a retirement account, including an IRA, to satisfy a restitution order); and *United States v. Novak*, 476 F.3d 1041, 1062 (9th Cir. 2006) (involuntary court-ordered distributions from retirement accounts to pay criminal restitution are not subject to additional tax or penalty for early withdrawal). Thereafter, the remaining nonexempt property in the possession, custody, or control of the garnishee belonging to or due the defendant-judgment debtor, ANIL SINGH, including any surplus in his IRA and all funds in the 529 Plan accounts may be released from restriction.

Payment should be made to “Clerk of Court” with “No. 13 CR 508-001” written on the face of the payment mailed or delivered to the United States District Court, 500 Pearl Street, Room 120, New York, New York 10007, Attn: Cashier.

Dated: New York, New York
January 11, 2022


UNITED STATES DISTRICT JUDGE

¹ The total loss to the sole shared victim of the defendants’ scheme was \$1,304,785.74, for which Bush is solely liable for \$119,678.83 of that sum, while Bush and Singh are jointly and severally liable for \$1,185,106.92. To date, Bush has paid a total of \$269,058.32. The first \$119,678.83 paid by Bush shall be applied to amount for which he is solely liable, with no credit for those payments to Singh’s balance. Singh shall receive credit for the next \$149,379.49 paid by Bush, thereby reducing the joint and several amount to \$1,035,727.43. To date, Singh has paid a total of \$59,050, which further reduced the joint and several balance to \$976,677.42. The total restitution payments received from both defendants is \$328,108.32, now requiring \$976,677.42 to make their victim whole. *See United States v. Nucci*, 364 F.3d 419 (2d Cir. 2004); *United States v. Sheets*, 814 F.3d 256 (5th Cir. 2016) (holding that district court may impose joint and several liability for restitution on multiple defendants in different amounts, and government cannot recover more from all of the defendants than the victims’ total loss, but it can require each defendant to pay up to the amount he was ordered to pay); *cf. United States v. Broadbent*, 225 F. Supp. 3d 239, 245 (S.D.N.Y. 2016) (endorsing *Sheets*).